

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MP VISTA, INC., HABIB PETROLEUM, and :	
WARREN'S SHELL, INC. INDIVIDUALLY :	No. 1:07-CV-00099-***
AND ON BEHALF OF THOSE SIMILARLY :	
SITUATED :	
:	
:	
vs. :	
:	
MOTIVA ENTERPRISES LLC and :	
SHELL OIL COMPANY :	

DEFENDANTS' MOTION TO TRANSFER VENUE

Defendants Motiva Enterprises LLC ("Motiva") and Shell Oil Company ("Shell") (collectively, "Defendants") move to transfer this putative class action to the Eastern District of Louisiana, where the underlying events occurred and where class certification was denied last year in a virtually identical case involving one of the same lawyers representing Plaintiffs here. The District of Delaware has no connection to the facts or law of this dispute. This suit is brought on behalf of a group of Motiva gasoline retailers and wholesalers located in Louisiana, Florida, and Mississippi. Their claims arise out of an incident at Motiva's refinery located in the Eastern District of Louisiana. Plaintiffs' claims will be decided solely under Louisiana, Florida or Mississippi state law. The only tenuous connection that this dispute has to Delaware is that Defendants are organized here. Plaintiffs hope to take advantage of that fact to relitigate the denial of class certification by another federal district judge who has spent almost three years dealing with retailer and consumer class actions relating to the incident in question. Because this copy-cat case seeks another bite at the apple, and the District of Delaware has no meaningful connection to the law or facts, this action should be transferred in the interest of justice under 28 U.S.C. § 1404(a).

Consistent with Local Rule 7.1.1, I certify that a reasonable effort has been made, unsuccessfully, to reach agreement with plaintiff's counsel on the matters set forth in this Motion.

PRICKETT, JONES & ELLIOTT, P.A.

BY:


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